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PATENT

Attorney Docket 040750-5001-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **H.J. Su Huang et al.**

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Application No. **09/071,541**

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Group Art Unit: 1623

Filed: **May 4, 1998**

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Examiner: **K. Fonda, Ph.D.**

For: **Methods to Modulate the Resistance of Cells to
Apoptosis Mediated by Mutant Epidermal
Growth Factor Receptors**

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NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated November 26, 2002 (Paper No. 24) of the Examiner finally rejecting claims 1-16. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a). Applicants petition for a two-month extension of time, from February 26, 2003 to April 26, 2003, the small entity fee for which is \$205.00 as set forth in 37 C.F.R. 1.17(a)-(d). This Notice of Appeal is being filed under the next business day rule on Monday, April 28, 2003 as the due date for responding fell on a weekend (Saturday, April 26, 2003). If an additional extension of time is required, please consider this a Petition therefor.

The Commissioner is hereby authorized to charge **\$365.00** to Deposit Account No. 50-0310 for payment of the small entity two-month extension of time fee (\$205.00) and the Notice of Appeal fee (\$160.00) as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **April 28, 2003**
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Respectfully submitted,
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